



The Research Review



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Representatives Shepard (partially shown at left), McDonald, Hood and Curtiss wait to present their bills before the House Government Operations Committee on Wednesday.

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Agriculture

Jeremy Maxwell

Agriculture Committee met Tuesday to consider three bills and to hear testimony on the smoking bills. **HB 1851** (Bone) was **rolled one week**. This bill enacts the “Non-Smoker Protection Act” which prohibits smoking in any public place except for certain types of establishments that are defined. **HB 597** (Turner, M.) was **deferred to the last calendar**. This bill requires the Commissioner of Health to establish and maintain a registry of chemically sensitive persons; requires health care professionals and facilities to report health-related illnesses cited as relating to the aerial drift of pesticides. **HB 306** (Hood) was **rolled two weeks**. It requires all dogs to be licensed annually; all dogs must have current rabies shot to be licensed; reduces licensing fee for dogs that are spayed or neutered; licensing fees to go to city or county where dog lives.

The committee also heard testimony from bill sponsors and interested groups regarding smoking issues. This was an information meeting only with no votes taken. The individual smoking bills will be discussed and possibly voted on next week’s calendar.





Children & Family Affairs

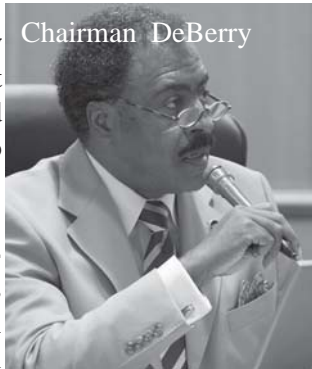
Amelia Mitchell

The **Children & Family Affairs Committee** met Wednesday, April 4th, and passed the following bills to Calendar & Rules:

HB 546 by Rep. Hackworth as amended creates a rebuttable presumption, in any proceeding for a child support arrearage, that the information provided to the court upon entry of the order of support is correct unless an update in circumstances was submitted. This bill also creates a rebuttable inference in child support arrearage cases that the obligor is capable of satisfying any arrearage for child support unless an update in circumstances was submitted.

HB 594 by Rep. Fincher as amended expands the offenses for which notice must be provided to include voluntary manslaughter, criminally negligent homicide, sexual battery by an authority figure, statutory rape by an authority figure, prohibited weapon, unlawful carrying or possession of a firearm, carrying weapons on school property, carrying weapons on public parks, playgrounds, civic centers and other public recreational buildings and grounds, handgun possession, providing handguns to juveniles or Class A or Class B felonies. The court will then decide who will issue a notification in writing to the school's principal. When the court deems it appropriate, the court shall notify local law enforcement.

HB 1523 by Rep. Campfield as amended provides that man proved by genetic testing not to be father of child is not liable for child support after receipt of such results. Exceptions to this is when a person has adopted the child in Tennessee or any state in the U.S. , a person has entered a voluntary acknowledgement of paternity, and a person had actual knowledge that the child was not the person's biological child at the time a child support order was issued.



Chairman DeBerry

The following bill was deferred one week:

HB 401 by Rep. S. Jones

HB 490 by Rep. Sontany

HB 1323 by Rep. West

The following bill was deferred two weeks:

HB 179 by Rep. Cooper

The **Domestic Relations Subcommittee** met on Tuesday, April 3rd and the following bills were deferred one week:

HB 1631 by Rep. Baird

HB 2098 by Rep. Maddox

HB 2227 by Rep. Hardaway

The following bill was deferred two weeks:

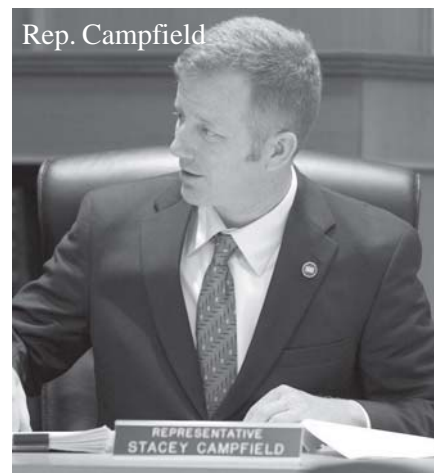
HB 822 by Rep. Hood

The following bill was taken off notice:

HB 1307 by Rep. West

The **Family Justice Subcommittee** did not meet and the following bill was deferred one week:

HB 1263 by Rep. Lynn



Rep. Campfield



Commerce

Matt Barnes

The **Commerce Committee** met Tuesday to hear eight bills, continuing the hearings on HB 1421.



Rep. Crider

HB 390 (Crider) requires a telemarketer to make calls from a telephone registered to a physical address and to use reasonable methods to make available to caller identification the

soliciting entity's telephone number and name. Rep. Hackworth introduced an amendment to include political calls, then Rep. McCord suggested an amendment to the amendment to remove the exemption from "Do Not Call" provisions in present law for 501(c) organizations. The committee adopted the amendment as amended. *[passed to Calendar and Rules as amended]*

HB 749 (Harmon) allows licensed dealers to sell camping trailers and travel trailers at up to six shows per year that are approved by the Motor Vehicle Commission. *[passed to Calendar and Rules]*

HB 1006 (Curtiss) transfers the responsibilities of the Home Improvement Commission to the Board for Licensing Contractors and creates a subcommittee of the Board to act as an advisory committee concerning home improvement contractors. Initially, the subcommittee shall be made up of the current members of the Commission. The committee adopted an amendment that restores the authorization for counties to opt into the provisions of the Home Improvement Licensing Act by two-thirds majority vote. The opt-in provision is in present law, but the original bill removes it. *[passed to Finance, Ways and Means as amended]*

HB 2231 (Cobb, C.) extends the records retention requirement for real estate appraisers from three years to the longer of five years or at least two years following the disposition of any legal proceeding involving an appraisal assignment or report. *[passed to Calendar and Rules]*

HB 2285 (Curtiss) adds Tennessee to the list of states entered into the Interstate Insurance Product Compact, the purpose of which being to enact uniform regulation of insurance products and advertisements. *[passed to Calendar and Rules]*

HB 2287 (Bibb) reduces the membership of the Tennessee Technology Development Corporation from 24 to 22 members by removing the two members from the Tennessee Science and Technology Advisory Council. *[passed to Calendar and Rules]*

HR 60 (Kernell) urges the federal government to replace the Fast Track system so that U.S. trade agreements are developed and implemented using a more democratic and inclusive mechanism that enshrines the principles of federalism and State sovereignty. *[passed to full committee]*

HB 1421 (McDaniel) enacts the "Competitive Cable and Video Services Act," requiring any entity seeking to provide cable or video service to apply with the secretary of state for a state-issued certificate of franchise authority, as opposed to seeking franchise authority with local governments and municipalities. The Tennessee Municipal League continued its presentation from last week, reiterating its opposition to the bill.

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** met Wednesday to discuss seven blasting bills.

HB 1278 (Lynn), as amended, requires those involved in blasting operations where a reportable accident has occurred to make a reasonable effort to ensure the immediate blasting area remains undisturbed until the Department of Commerce and Insurance completes its initial investigation *[passed to full committee as amended]*

CONTINUED ON NEXT PAGE.



Commerce

Matt Barnes

HB 1903 (Lynn) requires the Advisory Council on the Commercial Explosives Industry to conduct an annual study of blasting regulations and report its recommendations. Chairman Shepard mentioned the possibility of incorporating this language and that of other bills into the administration bill below, HB 2256, to which Rep. Lynn was amenable. *[failed for lack of motion]*

HB 1165 (Sontany) authorizes a municipality or county to adopt local blasting standards that are more stringent than those set by the state. *[failed for lack of motion]*

HB 1166 (Sontany), with an amendment that rewrites it, makes it permissive for a municipality with over 100,000 people to adopt by ordinance and a county with over 200,000 people to adopt by resolution the duties and powers associated with enforcement of state blasting standards. *[rolled one week]*

HB 2256 (Sontany) requires blasters in charge to keep drilling logs and requires independent limited blasters to maintain liability insurance. Rep. Sontany presented a slide-show of cracks formed inside and outside homes allegedly because of blasting operations. She introduced Dan Fairfax, who spoke of his wife's experience sitting in the couples' living room and watching a crack form after hearing a loud blast. He said they have since moved from Davidson County to Wilson County due to the trauma his wife suffered. Frank Hutchison, fire safety manager for the Department of Commerce and Insurance, said the department has only four investigators to handle around 3,000 complaints per year. He said they are keeping up but just barely. However, as more and more of the public become aware of to whom to complain, several members suggested the department may need more investigators. *[rolled one week]*

HB 1321 (West) requires notice to persons inhabiting buildings within one-half mile of blasting operations. *[rolled one week]*



Rep. Sontany

HB 656 (Hawk) revises the eligibility requirements for registration as a blaster, limited blaster, or handler. Instead of a blanket registration requirement of being at least 21 years of age, this bill specifies that handlers shall be at least 18 and blasters and limited blasters shall be at least 21. Further, the bill requires any action by the Department of Commerce and Insurance to collect a civil penalty to be initiated within one year of the alleged violation. *[passed to full committee]*

Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met Tuesday with 13 bills on its special lending calendar, including the addendum.

HB 415 (Todd) in its original form would repeal the locksmith licensing provisions of 2006. Rep. Todd introduced an amendment that would rewrite the bill to delay the current effective date of July 1, 2007, to January 1, 2009. Since others concerned with this bill have mentioned different potential effective dates, Chairman Curt Cobb asked the sponsor to get together with the various parties and agree on a date. *[rolled two weeks]*

HB 1226 (Gilmore), with an amendment that rewrites it, prohibits a facilitator who advertises the availability of an income tax refund anticipation loan from representing the loan as a customer's actual refund. The facilitator must state conspicuously that it is a loan and that a fee or interest will be charged. Further, the facilitator shall provide the estimated total fees for obtaining the loan, the estimated annual percentage rate, and the various costs, fees and finance charges, if applicable. *[passed to full committee as amended]*

HB 1431 (Harmon) prohibits title pledge lenders from advertising using false or misleading words. *[rolled to last calendar]*



Commerce

Matt Barnes

HB 2099 (Maddox) expands the membership of the Tennessee Broadband Task Force from 14 to 15 to include a representative of the Department of Education. *[rolled one week]*

HB 1162 (Sontany) allows the person rebuilding a motor vehicle or the person having the motor vehicle rebuilt to apply for a certificate of title, as opposed to present law that allows only the rebuilder to apply. *[passed to full committee]*

HB 1491 (Towns) prohibits a car rental agency from requiring consumers to provide their social security numbers. *[rolled one week]*

HB 1038 (Cobb, C.) allows a person actively engaged in the polygraph examinations business in another state for five years, in lieu of a six-month internship requirement, to apply for licensure as a polygraph examiner. *[passed to full committee]*



Rep. Cobb

HB 921 (McCormick) requires land surveyors to carry errors and omissions insurance or state on each document issued under seal that they do not carry such insurance. *[rolled to last calendar]*

HB 2301 (Maddox) lowers the fees and interest title pledge lenders may charge military personnel and their families. *[rolled to last calendar]*

HB 747 (Curtiss) allows a title pledge lender to charge an interest rate of no more than 17 percent a month. Chairman Curtiss discussed this and his next bill briefly before taking them off notice and vowing to address the issue again next session. He said the Department of Financial Institutions has not been performing audits of the industry long enough to analyze the data fully. Further, he pointed out that he has learned that at 17.5 percent many businesses would only break even. Since 17 percent would then put some out of business, he said we need more time to determine where to go from here. *[taken off notice]*

HB 2149 (Curtiss) reduces the fees title pledge lenders may charge to 15 percent of the original loan amount. *[taken off notice]*

HB 1019 (Ferguson) restricts the fee charged to retailers for the use of credit or debit cards to .75 percent per transaction. *[taken off notice]*

HB 1984 (Turner, L.) makes numerous changes in the Tennessee Title Pledge Act. Instead of hearing the specifics on the bill, the subcommittee generally discussed the issues surrounding the title pledge lending industry. Department of Financial Institutions Commissioner Greg Gonzalez discussed the department's February 2006 report to the legislature on the industry and how much progress has been made since that time. Before, one out of four, or 190 locations, were overcharging; now, according to the latest figures, only 64 were overcharging. The department has also doubled the number of examiners from 14 to 29 to handle complaints. Several members wondered what happens when the department discovers a company has been overcharging. When they heard that the department can only order the companies overcharging to refund the overcharged amount, the members suggested penalty provisions be added to give current laws more teeth. *[rolled to last calendar]*

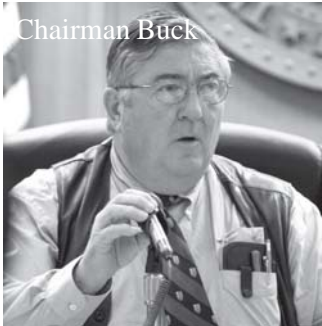


Conservation & Environment

Jeremy Maxwell

Conservation and Environment Committee

The Conservation and Environment Committee met Wednesday to consider four bills and to hear a presentation.



Chairman Buck

HB 700 (McCord) was **referred to Calendar and Rules as amended**. The amended bill specifies that the limitation on selling a residence with more bedrooms than are permitted by the sewage disposal system permit applies only to new construction, and

specifies that real estate agents violate the statute only if they have actual, not constructive, knowledge of the violation. **HB 1218** (McDonald) was **referred to FWM as amended**. The amended bill requires the comptroller of the treasury to conduct a performance audit of those agencies and departments responsible for conservation of energy, the study and production of alternative sources of energy, and energy security by January 8, 2008, and every five years thereafter.

The following bills were **referred to Calendar and Rules**:

HB 1158 (Buck) clarifies laws related to boating regulation and safety, updates boating laws to account for new technologies, and increases boating under the influence penalties for first and second time offenders. **HB 2288** (Gilmore) authorizes use of revenues produced from the sale of environmental plate for making grants to state universities for development of new methods of treating pests that threaten trees and other vegetation at parks; revises provisions for grants from the local parks land acquisition fund.

The committee also heard a presentation by Commissioner Jim Fyke, Department of Environment and Conservation, regarding land acquisition in the Governor's proposed budget.

Wildlife Subcommittee

Wildlife Subcommittee met Tuesday to consider nine bills on calendar. The following bills were **referred to full committee**:

HB 61 (Turner, M.) requires land managed by TWRA to be open to access and use for recreational hunting, and that agency land management actions relative to such land not result in any net loss of available acreage for hunting opportunities.

HB 1159 (Buck) authorizes a 501(c)(3) non-profit wildlife conservation organization to sell or transfer an elk-take permit issued by the executive director of TWRA pursuant to rules promulgated by the Wildlife Resources Commission; proceeds of the sale will be used for the elk program.

HB 2059 (Roach) increases penalty from Class C to Class B misdemeanor for trespassing on property with an ATV; second and subsequent offenses are punishable by mandatory \$250 fine.

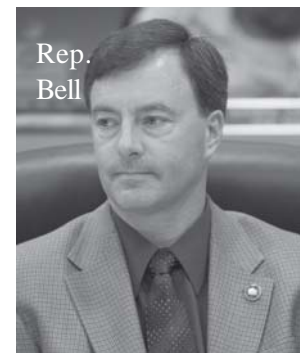
HJR 108 (McCord) adds provisions establishing the right to hunt, fish, and harvest game subject to reasonable rules and regulations; establishes standard for reviewing such rules and regulations.

The following bills were **referred to summer study committee**:

HB 268 (Bell) transfers Monroe County from TWRA Region IV to Region III.

HB 1864 (Watson) permits hunting or taking deer or wild boar in season using buckshot numbers 1-0, 00, or 000 with written permission on private property in Polk County.

HB 2181 (Hackworth) lowers hunting and fishing licensing fees for nonresident family members of persons with a lifetime sportsman license.



Rep.
Bell

The following bills were **deferred to the last calendar**:

HB 1793 (McCord) increases amount paid to TWRA for mussels harvested in the waters of Tennessee from



Conservation & Environment

Jeremy Maxwell

\$0.0145 per pound of mussel shells or \$.0124 per pound of mussels, shell with meat, purchased or obtained to \$.10 per pound of mussel shells or \$.10 per pound of mussels, shell with meat, purchased or obtained.

HB 1794 (McCord) establishes \$3.00 per pound fee on roe to be imposed on buyers of roe taken from commercial roe fish species harvested from Tennessee waters.

Parks and Tourism Subcommittee

Parks Subcommittee met Tuesday to consider one bill, rolling it one week. **HB 2083** (Maddox) transfers jurisdiction of Big Cypress State Natural Area from the TWRA to the Department of Environment and Conservation.

Environment Subcommittee

The Environment Subcommittee met Wednesday to consider three bills on calendar. **HB 743** (Curtiss) was **referred to full committee as amended**. The amended bill authorizes the comptroller of the treasury to include in their annual audit the utility district's annual average unaccounted for water loss percentage and allows the utility management review board to take action to reduce the water loss.

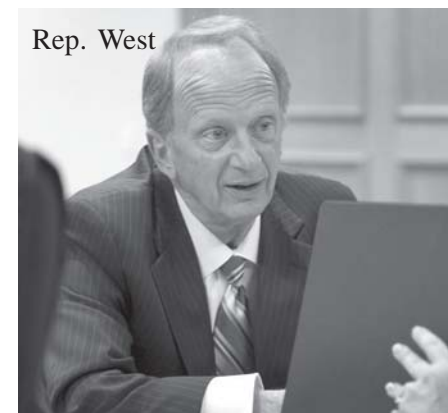
The following bills were **rolled one week**:

HB 1163 (Sontany) enacts "Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act."

HB 1300 (West) exempts certain properties with existing septic tank from obtaining a new subsurface sewage disposal system permit when constructing a residence on such property.



Rep. Maddox



Rep. West



Consumer & Employee Affairs

Lucy Wilson

Consumer Affairs Subcommittee rolled both bills on their calendar.

HB 381 by Briley enacts the “Clean Credit and Identity Theft Protection Act of 2007.” In addition to allowing a consumer to freeze his/her credit report, the bill gives consumers rights in cases of identity theft and requires the Department of Safety to establish a database of identity theft victims who have determinations of factual innocence.

The bill also addresses security breaches and instructs the consumer reporting agency what to do in case of any breach. The bill identifies specific actions a consumer reporting agency must take in protecting a consumer’s social security number, and how to dispose of personal information.

This bill was rolled two weeks to the April 17, 2007 calendar.



HB 1489 by Towns was rolled one week. This bill renames “Tennessee Identity Theft Deterrence Act of 1999” to “Tennessee Identification and Personal Information Protection Act of 2007” and expands the parameters of the present law.

Employee Affairs Subcommittee passed three (3) bills to full committee.

HB 454 by Hackworth changes present law which directs the Commissioner of Labor and Workforce Development to establish a comprehensive medical fee schedule used by health care providers charged with providing workers’ compensation-related treatment. The bill limits the ability to negotiate medical fees that are lower than the workers’ compensation comprehensive medical fee schedule, and prohibits assignment of negotiated rates for workers’ compensation services to any other party than the one who signed the contract. An amendment follows the bill to full committee.

HB 625 by Turner M adopts the federal minimum wage as the minimum wage within the state. If, after 5 years, the U.S. Congress fails to increase the federal minimum wage, every employer in the state who is subject to the federal Fair Labor Standards Act must pay the Tennessee minimum wage beginning the following February. The Tennessee minimum wage would equal the federal minimum wage adjusted according to the average consumer price index. The bill also stipulates the consequences for violating the Tennessee minimum wage. This bill passed to the full committee.

HB 49 by Turner M authorizes unemployment benefits to an individual who leaves work because of circumstances stemming from that employee being a victim of domestic violence. An employer’s account would not be charged for payment of unemployment to the individual. This bill passed to full committee.

HB 1301 by West authorizes an employee or an employer to request an appeal hearing before the Board of Review in situations regarding unemployment compensation. Rep. West took this bill off notice.

HB 212 by Brown excludes wages paid to certain felons eligible for the Work Opportunity Tax Credit from the employment security premium. This bill was rolled for two weeks.

HB 729 by Hood creates 3 offenses for employing an illegal alien and identifies fines for each. Those offenses are 1) knowingly employing an illegal alien; 2) recklessly employing an illegal alien; and 3) knowingly encouraging or inducing an illegal alien to come into TN for the purpose of employing that person. Rep. Hood delivered an amendment to the bill for committee members to consider and rolled the bill one week.





Consumer & Employee Affairs

Lucy Wilson

HB 727 by Hood increases the penalty for knowingly employing an illegal alien from a Class B to a Class A misdemeanor and directs the Department of Labor and Workforce Development to study the effect of illegal immigration on Tennessee. This bill was rolled to next week's calendar, April 10, 2007.

HB 65 by Turner M enacts the "Pay Equity in the Workplace Act of 2007." This bill was rolled one week.

HB 643 and HB 1073 both by Turner M establishes that an employee with an occupational disease covered by the Federal Energy Employees Occupational Illness Compensation Program Act that has developed to a point that it can be diagnosed as occupational disease is eligible for TN workers compensation coverage. Although both bills address this issue there are some differences and both have been rolled two weeks.

House Consumer & Employee Affairs Committee heard three bills on Tuesday.

HB 1337 by Briley revises various provisions relative to the structure of charitable organizations that solicit contributions. This bill carries an amendment that further clarifies a section of the bill. This bill passed to the House Finance, Ways and Means.

HB 2139 by Pruitt makes it a Class B misdemeanor to violate the "Fundraising for Catastrophic Illnesses" statute and adds a Class B misdemeanor offense to distribute funds raised in violation of the statute. The bill adds record-keeping, inspection, and enforcement provisions. This bill was rolled two weeks.

HB 24 by Shepard allows consumers to place a security freeze on their consumer credit report. This bill was taken off notice.



Rep. Pruitt



Education

Pam Mason

The **House Education Committee** met on Wednesday to consider its calendar. Action follows.



Chairman
Winningham

Referred to Calendar & Rules:
HB 445 – (Winningham) – for dependent children of a parent of a prisoner of war, MIA, or soldier killed during a period of armed conflict, the age is changed to 24 to be eligible for a tuition discount at a public institution of higher learning.

HB 1271 – (Lynn) adds drug offenses, or reasonable suspicion of such, to state law as items school personnel are to report to a principal. If principal is not available, report may be made to the proper authority.

HB 951 – (Winningham) changes length of term of state school board members from a nine year term to a five year term. The bill does not affect present members.

HB 15 – (Curtiss) changes provisions for waivers for dependent children or spouse of a POW or MIA. Presently 150 semester hours is the maximum that is allowed. This legislation changes the maximum to 135 semester hours earned excluding required remedial or developmental hours or 150 semester hours attempted including required remedial or developmental hours.

HB 2076 – (Maddox) requires any student entering a teacher training program to give a fingerprint sample and have a criminal record check of their background. The student is responsible for any cost incurred by the TBI to produce this material.

Referred to Calendar & Rules, if amended:

HB 1312 – (West) rewrites the bill and deletes “dental or vision screening” and substitutes “dental or eye examination” in the Code. An LEA may use gifts, grants, and state and local monies to provide these services to any child whose parent or guardian cannot

afford the tests. The bill encourages LEAs to seek free or reduced-cost examinations from doctors willing to donate their service.

HB 881 – (Johnson, P.) a school board conducting a student disciplinary hearing is exempt from the Open Meetings Law. No other subject but the hearing may be discussed during the closed meeting. This bill does not exclude the department of children’s services when the department is acting as legal custodian of the child in question.



Rep. Johnson

Referred to Finance, Ways & Means:

HB 124 – (Windle) adds children of retired teachers to those eligible for 25 percent tuition discount at state institutions of higher learning.

HB 2075 – (Maddox) adds children of full-time employees of LEAs to those eligible for 25 percent tuition discount at state institutions of higher learning.

HB 1733 – (Winningham) permits full-time public school teachers enrollment for one course per term at any state institution of higher learning.

HB 932 – (Winningham) requires that the percentage increase of tuitions at state institutions of higher learning not exceed the consumer price index.

HB 1945 – (Winningham) creates the “Tennessee student assistance program account” in the state treasury. The monies are to be used by the Tennessee Student Assistance Corporation. No monies in the account are to revert to the state general fund at the end of any year.

HB 358 – (Winningham) upon obtaining a master’s degree in their subject area, a Tennessee public school teacher would receive an annual supplement of \$3,000.



Education

Pam Mason

HB 14 – (Curtiss) for anyone who is mobilized to active duty within six months of attending a state institution of higher learning and if that mobilization lasts for more than six months, that person's costs at said institution would be frozen. Upon reenrollment, fees could not increase until one year after and the combined length of all mobilizations has passed. Reenrollment must occur within six months of release from active duty and no freeze would be granted for more than four years.

Deferred 2 weeks:

HB 952 – (Winningham)

Deferred to last calendar:

HB 2147 – (Coley)

HB 1996 – (Jones, U.)

Higher Ed Subcommittee

The Higher Ed Subcommittee met on Wednesday to consider its calendar and hear a presentation. Calendar action follows.

Referred to Full Committee:

HB 1008 – (Brown) requires the department of education to establish student tuition assistance rewards (STAR) scholarship pilot projects for students in public middle Title I schools. The bill establishes criteria for student eligibility. The program would be administered by TSAC. An annual report on the program's success would be given by THEC to the education committees of both houses.

HB 1955 – (Armstrong) creates a medical school loan program for students in Tennessee private medical schools. Students must practice in Tennessee one year for every year of the scholarship.

HB 1957 – (Armstrong) creates a medical school loan program for students in Tennessee public or private medical schools. Students must practice in Tennessee one year for every year of the scholarship.

Deferred 2 weeks:

HB 761 – (Matheny)

Withdrawn:

HB 1596 – (Shepard)

Following consideration of the calendar, Dr. Steven Heyneman, Professor of International Educational Policy at Vanderbilt, spoke to the committee on Comparative Systems of Education.



Referred to Finance, Ways & Means, if amended:

HB 99 – (Brooks) provides the mechanism for public post-secondary institutions and LEAs to jointly establish cooperative innovative programs in high schools and postsecondary institutions. A curriculum alignment committee is created to develop a high school to community college and technology center articulation

agreement. This agreement is to be completed by June 30, 2008. Annual reports will be made to the select oversight committee on education on the success of the program.

HB 2070 – (Maddox) rewrites the bill to allow a child of a teacher residing outside the state to attend school in the district where the teacher is employed with no tuition cost.

HB 615 – (Turner, M.) bans the use of trans fat in school nutrition programs. Fast food establishments on school property are not affected by the legislation.

Deferred 1 week:

HB 1069 – (Winningham)

HB 1731 – (Winningham)

HB 1734 – (Winningham)

HB 337 – (Hackworth)

HB 1765 – (Jones, U.)

HB1942 – (Winningham)



Education

Pam Mason

K-12 Subcommittee

The K-12 Subcommittee took the following actions at its Tuesday meeting.

Recommended to Full Committee:

HB 403 – (Jones, S.) requires training courses for school resource officers be designed specifically for school policing and sets criteria for this training.

HB 1545 – (Rowe) requires the advisory council for alternative schools to study alternative programs and report to the governor, state board of education and the education committees of the General Assembly.



HB 1546 – (Rowe) requires the state board of education to study alternative measures for students who do not pass Gateway exams and report to the education committees of the General Assembly by January 1, 2008.

HB 333 – (Tidwell) directs the department of education to develop alternative methods for adult students to obtain a high school diploma.

HB 2237 – (Fincher) directs that each student entering a Tennessee public school be given a personal identification number and removes requirement that social security numbers be used for this purpose.

HJR 147 – (Montgomery) creates a special joint committee to study the traditional school calendar.

HB 928 – (Winningham) requires the safety of a school be a factor when suspension, dismissal, or alternative placement of a student is being considered.

HB 1735 – (Winningham) provides a \$4,000 annual supplement to full-time teachers who achieve national board for professional teaching standards certification.

Recommended to Full Committee, if amended:

HB 2236 – (Brown) requires series of three assessment tests in grades 8, 10, and 11. The amendment requires that the commissioner of education must approve these assessments.

Deferred 1 week:

HB 1437 – (DeBerry, J.)

HB 1302 – (West)

HB 907 – (Hill)

HB 1516 – (Gresham)

HB 2071 – (Maddox)

HB 2113 – (Maddox)

HB 933 – Brown

Deferred 2 weeks:

HB 81 – (Cooper)

HB 374 – (Briley)

HB 564 – (Harwell)

HB 1772 – (Jones, U.)

HB 1943 – (Winningham)

HB 1046 – (Towns)

Referred to Summer Study:

HB 1418 – (Watson)

Taken off Notice:

HB 1544 – (Rowe)

HB 1309 – (West)

HB 876 – (Johnson, P.)

HB 873 – (Dunn)

HB 293 – (Harwell)

HB 477 – (Brooks, H.)

HB 857 – (Bell)



Finance, Ways & Means

Julie Travis & Patrick Boggs

The Full Committee

The House Finance, Ways, and Means Committee met on Tuesday to hear twelve bills presented before the committee as well as budget hearings for two agencies. All bills but three were sent to Calendar and Rules. **HB 460** by Chairman Fitzhugh, **HB 465** also by Chairman Fitzhugh, and **HB 2209** by Rep. Roach were all rolled for one week at the request of the sponsor.



Chairman
Fitzhugh

The following bills were referred to Calendar and Rules:

HB 1335 (Rep. Briley) – This bill increases penalties for violations of failure to yield the right of way, that end up causing serious physical injury or death.

HB 557 (Rep. Hensley) – This bill names a bridge on S.R. 99 in Lewis County the “Luther and Marvin Patton Memorial Bridge.” The committee amended the bill to pay for the signage out of the highway fund.

HB 558 (Rep. Hensley) – This bill names a bridge on U.S. 43 in Maury County the “Spencer Holman Memorial Bridge.” The committee amended the bill to pay for the signage out of the highway fund.

HB 903 (Rep. Hill) – This names a section of S.R. 93 in Washington County, running through Fall Branch, as the “PFC Nilon K. Bacon Memorial Highway.”

HB 1219 (Rep. McDonald) – This bill would authorize license plates issued for trailers to be personalized, with the additional funding going to maintain public horseback riding trails.



Rep. Hensley

HB 270 (Rep. Mumpower) – This bill separates the Boards of Occupational Therapy Examiners and Physical Therapy Examiners into separate boards.

HB 717 (Rep. Tindell) – This increases the amount that may be paid to compensate utility district board members.

HB 1827 (Rep. M. Turner) – This rescinds the certificate of driving program, and authorizes temporary driver licenses for persons who have federal documentation for a temporary stay in the country.

HB 289 (Rep. M. Turner) – This names a section of S.R. 265 in Davidson County the “Ed Walsh Pike.” (The bill was amended to have the state pay for signs through the highway fund).

We heard from the Commissioner of the Department of Correction (Cmsr. George Little) and the Director of the Board of Probation and Parole (Mr. Charles Traugher) as they both presented their departmental budgets on Tuesday. The committee ran out of time before hearing the budgets of TRICOR and the Tennessee Corrections Institute, which will have to be rescheduled at a date and time to be determined and announced later.

The committee also met on Wednesday to hear from the Department of Mental Health and Developmental Disabilities (Cmsr. Virginia Trotter Betts) and the Department of Children’s Services (Cmsr. Viola P. Miller). Thursday’s budget hearings resume as we look forward to hearing from leaders and representatives of higher education agencies including the University of Tennessee, the Tennessee Board of Regents, the Tennessee Higher Education Commission, and the Tennessee Student Assistance Corporation.

Budget Hearings continue next week. The House budget hearings may be observed on-line through the video streaming available on the legislature’s website, at <http://www.legislature.state.tn.us>.



Finance, Ways & Means

Julie Travis & Patrick Boggs

Next Week's Scheduled Hearings (current as of April 4th, 2007):

Tuesday, April 10th, 2007 @ 1:30 p.m.:

Department of Military
by Mr. Gus L. Hargett, Adjutant General
Department of Veterans' Affairs
by Mr. John A. Keys, Commissioner
Tennessee Historical Commission
by Mr. Patrick McIntyre, Director

Wednesday, April 11th, 2007 @ 1:30 p.m. or after session:

Finance & Administration – Cover Tennessee
by Mr. Dave Goetz, Commissioner
Bureau of TennCare

by Mr. Darin J. Gordon, Deputy Commissioner

Thursday, April 12, 2007 @ 11:00 a.m. or after session:

Department of Labor and Workforce Development
by Mr. Jim Neeley, Commissioner
Homeland Security
by Mr. Dave Mitchell, Director
Department of Safety

by Mr. Dave Mitchell, Commissioner
Finance & Administration – Division of Mental Retardation Services
by Mr. Steve Norris, Deputy Commissioner

The Budget Subcommittee

The Budget Subcommittee of the House Finance, Ways and Means Committee met on Wednesday with 47 bills on calendar and addendum.

Subcommittee Actions for these bills are as follows:

Deferred for one week:

HB 458 (Sontany)
HB 572 (Rowland)
HB 711 (Ferguson)
HB 1560 (Curtiss)

Deferred for two weeks:

SJR 91 (Sen. R. Finney; carried by Rep. Hensley)
HB 1614 (Overbey)

Deferred for three weeks:

HB 100 (Winningham)
HB 359 (Winningham)
HB 2084 (Maddox)
HB 57 (M. Turner)

Deferred to the last Budget Subcommittee calendar:

HB 1504 (Fitzhugh)

Deferred to the Study Committee Subcommittee:

HB 815 (McDaniel)
HB 898 (Ford)

Behind the Budget:

HB 83 (Harmon)
HB 290 (Sargent)
HB 1935 (Rinks)



Finance, Ways & Means

Julie Travis & Patrick Boggs

HB 947 (Hood)
HB 1060 (Gresham)
HB 318 (J. DeBerry)
HB 319 (J. DeBerry)
HB 1741 (Curtiss)
HB 1260 (Odom), as

amended

Bills taken off-notice:

HB 1315 (West)
HB 393 (Hensley)
HB 295 (Ferguson)
HB 1258 (Odom)

Referred to full committee:

HB 2092 (Rep. Maddox) – This bill authorizes Carroll County, in West Tennessee, to impose a local tax on litigation of up to \$25.00 per filing of civil and criminal cases.

HB 1035 (Rep. C. Cobb) – This names a bridge on U.S. 64 in Lincoln County the “Donny Ray Hudson Memorial Bridge.” The committee amended the bill to pay for the signage out of the highway fund.

HB 382 (Rep. Rowland) – This authorizes municipal corporations to create a temporary easement to maintain water and sewer lines on public property when the construction is done in the public interest.

HB 1910 (Rep. Rinks) – This prohibits members from sending out mass mailings from their legislative spending account within thirty days of an election, and instead mailings during this time must be paid for out of the member’s campaign account.

HB 2238 (Rep. Pitts) – This bill amends the Check Cashing Act to remove the exemption to the law granted to industrial loan and thrift companies and licensed money transmitters who also cash checks.

HB 200 (Rep. Odom) – This bill enacts the “Credit Security Act of 2007.” It authorizes consumers to place freezes on their personal credit information with the credit bureaus, and thus the bureaus may



Rep. Odom

not release the report without the consumer’s written authorization. A unique PIN number would be given to the consumer for when the consumer wants to release said information, and must respond to the request to lift the freeze within fifteen minutes of the consumer’s request. Credit bureaus are authorized to charge a nominal fee for this service, though victims of identity fraud are exempt from this fee.

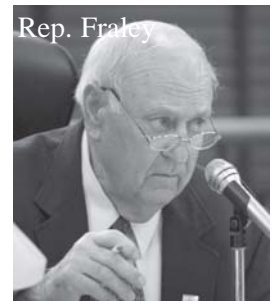
HB 145 (Rep. McDonald) – This bill requires TWRA to keep all of the land that it owns and operates open to recreational hunting within reason, and that any land closed to public hunting must be balanced by opening up other lands.

HB 1063 (Rep. Maggart) – This bill enacts the “Regional Water and Wastewater Treatment Authority Act.” It authorizes local governments to create water treatment and wastewater treatment authorities. These authorities would still be subject to the oversight of the Department of Environment and Conservation.

HB 1784 (Rep. U. Jones) – This bill authorizes Shelby, Hardin, and Wayne Counties to provide EMS and to charge for the service within their counties. The fire service fee that currently funds fire protection will now be used to additionally fund EMS activities.

HB 1196 (Rep. Fraley) – This bill adds the Cowan Railroad Museum as an official railroad museum, and the state is authorized to erect a highway sign to direct travelers to this museum.

HB 297 (Rep. Ferguson) – This bill authorizes members of the Roane County Urban Type Public Utilities Board to receive compensation of up to \$100 for each meeting attended, subject to the approval of the county legislative body.



Rep. Fraley



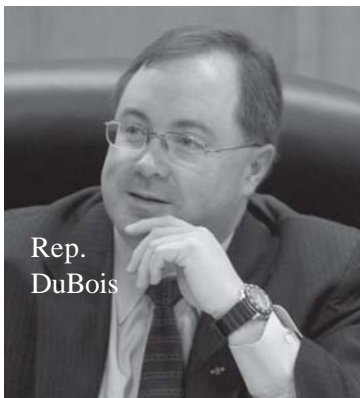
Finance, Ways & Means

Julie Travis & Patrick Boggs

HB 850 (Rep. Eldridge) – This legislation expands on legislation passed in the last General Assembly. It gives sixty days credit to inmates who successfully complete their GED, and this expands the credit to inmates who completed their degree prior to July 1, 2006.

HB 845 (Rep. Eldridge) – This act adds Madison County to the Community Redevelopment Act of 1998. It deals with the clearing and redevelopment of blighted areas.

HB 31 (Rep. DuBois) – This names a bridge on S.R. 7 in Maury County the “Rosalee Fly Atkisson Memorial Bridge.” The committee amended the bill to pay for the signage out of the highway fund.



Rep.
DuBois

HB 79 (Rep. DuBois) – This names a segment of S.R. 50 in Maury County the “Trooper Calvin Wayne Jenks Memorial Highway.”

HB 926 (Rep. DuBois) – This creates a licensing category for commercial lawn maintenance herbicide applicators, if their herbicides contain the active ingredient glyphosate.

HB 1757 (Rep. J. DeBerry) – This authorizes Shelby County government officials and employees to be monitored directly by the Tennessee Ethics Commission, with the Shelby County government paying directly for the oversight.

HB 844 (Reps. Buck, Bone) – This names a segment of S.R. 53/S.R. 141 in Smith County the “Colonel Bernie S. Bass Highway.”

HB 2228 (Rep. Bibb) – This authorizes the Commissioner of Agriculture to use funds in the Agricultural Resources Conservation Fund as matching dollars for the purposes that the fund was created for. It also authorizes the fund’s dollars to be spent administering the fund.

HB 1969 (Rep. Armstrong) – This names a bridge on Magnolia Avenue in Knoxville (S.R. 1) the “Casey C. Jones Memorial Bridge.”

HB 1970 (Rep. Armstrong) – This names a bridge on James White Parkway (S.R. 158) the “Robert J. Booker Bridge.”



Government Operations

Kristina Ryan

Chairman
Kernell



The Government Operations Committee met on Wednesday, April 4, 2007 to consider its calendar.

The following bills were rolled for one week:

HB 59 by Rep. Mike Turner

HB 1126 by Rep. Buck

HB 1168 by Rep. Sontany

HB 1333 by Representative Briley was taken off notice.

The following bills were reviewed for rulemaking purposes only and were referred to the appropriate standing committees:

HB 614 by Rep. Mike Turner – Transportation

HB 78 by Rep. Litz – Finance, Ways and Means

HB 733 by Rep. Hood – State and Local

Government

HB 1022 by Rep. Ferguson – State and Local

Government

HB 1041 by Rep. Towns – Agriculture

HB 2253 by Rep. Pinion – Transportation

HB 1411 by Rep. Watson – Finance, Ways and

Means

HB 1960 by Rep. Armstrong – Health and Human Resources

HB 2336 by Rep. Odom – Agriculture

HB 2061 by Rep. Rowe – Health and Human

Resources

HB 69 by Rep. Mike Turner – Commerce

HB 1205 by Rep. Pinion - Transportation

Other Legislation

The committee reviewed and referred **HB 741** by Representative Curtiss to the Commerce Committee with a positive recommendation. This legislation

authorizes the Board of Licensing Contractors to allow its executive director to take limited emergency actions without calling a meeting of the board. However, these emergency actions must be posted on the Board's website and ratified by the Board at its next meeting.

HB 1186 by Representative Sherry Jones was reviewed and referred to the Education Committee with a positive recommendation. This bill outlines a bill of rights for special education students so that they are protected from unnecessary seclusion and restraint. The State Board of Education is authorized to promulgate rules in order implement the provisions of this legislation.

The committee reviewed and referred **HB 1876** by Representative McDonald to the Commerce Committee with a positive recommendation. The "Geology Registration Act of 2007," outlines the licensure and regulation for the profession of geologists. This legislation requires 24 hours of continuing education for license renewal as well as defining who is allowed to practice geological services. In addition, the Advisory Committee for Geologists would be established, which will be administratively attached to the Professional Regulatory Boards within the Department of Commerce and Insurance. An amendment placed on the bill clarifies that the Board will establish education requirements for continuing education. Another amendment added to the bill made some technical corrections to the bill.

Rep. McDonald



HB 1216 by Representative Fincher was referred to the Judiciary Committee with a positive recommendation. This legislation enacts the "Tennessee Immigration Compliance Act", which requires public employers to register in the federal work authorization program to verify information



Government Operations

on all new employees. In addition, this bill creates new offenses for trafficking a person for labor servitude and/or sexual servitude. The Commissioner of Labor and Workforce Development and the Commissioner of Transportation is delegated rulemaking authority in order to enforce the provisions of this legislation.

HB 2063 by Representative Maddox was reviewed and referred to the Health and Human Resources Committee with a positive recommendation. Under this legislation, the Commission on Aging and Disability would be abolished and replaced with the Department of Aging and Disability. This bill will remove the Commission from the sunset cycle and add a sunrise provision to the newly created Department.

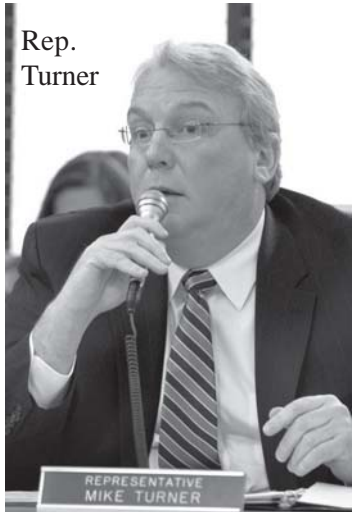
HB 2127 by Representative Fitzhugh was reviewed and referred to the State and Local Government Committee with a positive recommendation. This bill requires each municipality to employ at least one Certified Municipal Finance Officer (CMFO) to oversee the handling of municipal funds. The Municipal Technical Advisory Service (MTAS) will develop the curriculum for the certification of this program. The Comptroller of the Treasury is authorized to promulgate rules and regulations in order to implement the provisions of this legislation.

The committee referred **HB 2289** by Representative Shepard to the State and Local Government Committee with a positive recommendation. This Administration Bill changes provisions regarding fees and disposal of used tires to be done by rule rather than by statute. In addition, this bill allows the Solid Waste Control Board the authority to adopt a rule that promotes waste reduction and recycling.

HB 596 by Representative Mike Turner was reviewed and referred to the Commerce Committee with a positive recommendation. This legislation enacts the “Jobs, Trade and Democracy Act”, which will create the Office of Trade Enforcement and a citizen’s Commission of Globalization. The citizen’s commission would consist of twelve members, six appointed by the Governor and three members

appointed by the Speaker of the House of Representatives and three members appointed by the Speaker of the Senate. An amendment added to the bill would place the Office of Trade Enforcement under the Department of Labor and Workforce Development and the terms of the board will be staggered. In addition, the amendment would add a sunrise provision as well as provisions for public hearings.

HB 1204 by Representative Pinion was reviewed and referred to the Transportation Committee with a positive recommendation. This legislation creates the “Tennessee Tollway Act”, which will allow the Department of Transportation to develop and operate tollways and/or toll facilities. A housekeeping amendment to the bill would clarify that the rulemaking would be done in accordance with the Uniform Administrative Procedures Act (UAPA).



Rep.
Turner



Health & Human Resources

Judy Narramore

Full Committee

The **Health & Human Resources Committee** met Tuesday, April 4, 2007, with 16 bills on calendar.

Six bills were *referred to Calendar & Rules*:

HB 0823 (Kernell)



Rep. Cooper

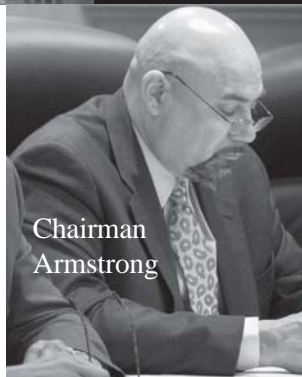
requires an applicant for licensure as an audiologist, on or after January 1, 2008, to have a doctoral degree rather than a master's degree.

HB 1406 (Cooper) removes from statute the authority to automatically use public necessity rules in order to comply with the TennCare waiver.

HB 0033 (J. DeBerry) as amended expands the definition of the practice of dentistry and dental hygiene to include taking an impression of human teeth leading to the fabrication of a cosmetic metal apparatus to be worn in the human mouth, i.e., a "grill."

HB 1604 (Shepard) as amended allows a professional permitted by Department of Mental Health and Developmental Disabilities (DMHDD) rules to authorize isolation or restraint of persons with mental illness or serious emotional disturbance in certain situations, and requires a professional authorized by DMHDD rules to evaluate the person's condition within one hour of the intervention.

HB 1183 (S. Jones) as amended requires licensed health care practitioners to report known or suspected cases of domestic violence or domestic abuse to the Department of Health, Office of Health Statistics, on a monthly basis. The amendment adds a sunset provision to repeal the provisions of the printed bill on June 30, 2009, and exempts licensed veterinarians from the provisions of the bill.



Chairman
Armstrong

HB 2049 (Armstrong) revises existing reporting requirements, service delivery, and compensation provisions relative to volunteer health care services. The sponsoring organization would submit a quarterly volunteer services report rather than a report every 15 days.

Three bills were *referred to Finance, Ways & Means*:

HB 0222 (Moore) as amended requires the infections task force established by the Department of Health in response to Chapter 323 of the Public Acts of 2005 to report on methicillin resistant staphylococcus aureus (MRSA) to the General Assembly annually for three years beginning in 2008.

HB 0242 (Shepard) extends the nursing home bed tax for two years until June 30, 2009.

HB 0243 (Shepard) extends the moratorium on certificates of need for new nursing home beds other than the one hundred twenty-five (125) Medicare skilled nursing facility (SNF) beds until June 30, 2009.



Rep. Shepard

In other committee action, **HB 0712 (Tindell)** and **HB 0184 (Cooper)** were taken off notice by the sponsors. **HB 2351 (Odom)** and **HB 1971 (Armstrong)** were rolled one week. **HBs 1510 and 1514 (Tindell)** and **HB 0964 (Overbey)** were rolled two weeks.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met Wednesday, April 4, 2007, to consider six bills, referring two to full committee. **HB 0842 (Pruitt)** revises existing law to require the Board for Licensing Health Care Facilities and the Emergency Medical Services Board to promulgate rules to provide optimal emergency medical and surgical services for pediatric patients in facilities they license, expands the membership of the Committee on Pediatric Emergency Care, and authorizes travel reimbursement for the committee members.



Health & Human Resources

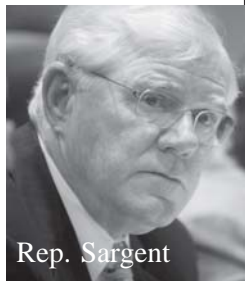
Judy Narramore

HB 2090 (Maddox) as amended authorizes the Division of Mental Retardation Services (DMRS) to identify persons on the DMRS waiting list to fill the additional 120 ICF/MR beds that are being phased in over a three year period, and further, authorizes the DMRS to approve the persons to fill the new beds. The amendment exempts new ICF/MR non-facility beds established as a result of federal lawsuits or court orders from the CON process.

The first bill on calendar, **HB 0647 (M. Turner)**, was taken off notice at the request of the sponsor. The remaining three bills on calendar were rolled by the sponsors: **HB 0697 (McCord)** two weeks and **HBs 2088 and 2089 (Maddox)** one week.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Wednesday afternoon, April 4th with 12 bills on calendar. Four bills were referred to full committee. **HB 0896 (Sargent)** defines “onsite medical clinic” and authorizes a clinical lab or a physician providing cytopathology services to bill an onsite medical clinic for such services. **HB 1217 (Fincher)** requires a separate license for each emergency service, county specific for each base of operations. **HB 2317 (Favors, Odom)** requires health care providers to arrange for each pregnant woman to be tested for HIV early in the pregnancy and again in the third trimester, unless the woman refuses in writing; requires a woman who does not have a documented negative HIV test in the third trimester to be tested through a rapid HIV test, unless the woman refuses in writing; and, deletes present law that requires providers to report monthly to the Department of Health the number of pregnant women tested for HIV and the number of such women who tested positive. **HB 2264 (Favors, Odom)** makes civil penalties assessed by any board, council, or committee attached to the Department of Health final, due, and payable on the date the Order in which



Rep. Sargent

they are assessed becomes final, and authorizes the boards, councils, committees, or the Department to order or enter into agreements for the payment of the assessed civil penalties in installments.

HB 0364 (Rowland) was taken off notice at the request of the sponsor. Three bills were rolled one week: **HB 1197 (Pinion)**, **HB 0812 (Odom)**, and **HB 2087 (Maddox)**. Four bills were rolled two weeks: **HB 0233 (Overbey)**, **HBs 1306 and 1310 (West)**, and **HB 1778 (U. Jones)**.

Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** met Wednesday, April 4th at 2:00 PM, to consider 13 bills, referring seven to full committee.

HB 2261 (Odom) creates a Class E felony for a TennCare enrollee to knowingly fail to disclose to a health care provider that the enrollee has obtained the same or similar prescription for a controlled substance within the past 30 days and used TennCare to pay for the clinical visit or controlled substances.

HB 2273 (Odom) increases from three to five years the period for which the state can recover TennCare expenditures prior to the date of application for benefits; authorizes the Commissioner of Finance and Administration and the Director of the Bureau of TennCare to require certain information identifying persons covered by third parties for medical services; and, deletes existing law that holds TennCare responsible for the cost of other insurers providing TennCare with information about enrollees. **HB 2091 (Maddox)** requires the Division of Mental Retardation Services to adopt methodology, phased in over three years, to include salaries and benefits for direct care staff working in the community that are at least commensurate with those paid at the development centers. **HB 2333 (Brown, Odom)** authorizes the Office of Vital Records to issue a copy of a death certificate that contains the cause of death information to members of the Child Fatality Prevention Teams. **HB 2250 (Coleman, Odom)** makes presentation of a false or fraudulent claim for payment or approval of



Health & Human Resources

Judy Narramore

TennCare benefits to a TennCare contractor, subcontractor, or vendor an offense punishable as a Class B, C, or D felony, depending on the value of the claim. **HB 1457 (Sontany)** as amended requires the Commissioner of Mental Health and Developmental Disabilities to create and administer a pool of funds that would be used to support the delivery of community-based behavioral health services to medically indigent or uninsured persons. Service delivery would begin not later than October 1, 2007. **HB 1383 (S. Jones)** as amended requires the Department of Health to implement a pilot program in six counties that would enable county clerks to issue certified copies of computer abstract birth certificates to walk-in customers. The provisions of the bill as amended would sunset on June 30, 2009.

HB 0869 (Mumpower) concerning cremation of unclaimed bodies failed 2-3-1 on a roll call vote. **HBs 0072 and 1619 (M. Turner)** were taken off notice at the request of the sponsor. Two bills were rolled to the last calendar: **HB 2077 (Maddox)** and **HB 2041 (Shaw)**. **HB 0488 (Rowland)** was rolled two weeks at the request of Speaker Pro Tem DeBerry.





Judiciary

Jamie Wyatt



The Full Judiciary Committee met to consider forty-seven bills on the calendar. Due to time constraints, the committee rolled a number of bills. Below is a list of all the bills rolled for one week:

HB 02 by Rep. Maddox
HB 182 by Rep. Cooper

HB 194 by Rep. Maggart
HB 209 by Rep. Lundberg
HB 299 by Rep. Overbey
HB 312 by Rep. Briley
HB 394 by Rep. Coleman
HB 600 by Rep. M. Turner
HB 668 by Rep. Swafford
HB 956 by Rep. Maggart
HB 1100 by Rep. Buck
HB 1188 by Rep. S. Jones
HB 1351 by Rep. Coleman
HB 1480 by Rep. Buck
HB 1753 by Rep. Todd
HB 1837 by Rep. Coleman
HB 2097 by Rep. Maddox
HB 2169 by Rep. Maddox
HB 2262 by Rep. Odom
HB 2314 by Rep. Odom
HB 2321 by Rep. Coleman
HB 75 by Rep. Dean
HB 96 by Rep. DuBois
HB 164 by Rep. DuBois
HB 311 by Rep. Briley
HB 314 by Rep. J. Deberry
HB 867 by Rep. Mumpower
HB 914 by Rep. Maggart
HB 1198 by Rep. Pinion
HB 1327 by Rep. Briley
HB 1328 by Rep. Briley
HB 1783 by Rep. U. Jones
HB 2000 by Rep. U. Jones

Rolled for 2 weeks:

HB 105 by Rep. Shepard
HB 1819 by Rep. Rowland
HB 362 by Rep. Rowland

The following bills were approved for passage and sent to the Finance, Ways and Means Committee:

- HB 175 by Rep. Harwell, as amended, clarifies the age distinction for statutory rape. The victim must be at least 13 years old, but less than 15 years of age and the defendant must be at least 4 years older than the victim, but less than 10 years older than the victim, or the victim must be at least 15 years old but less than 18 years of age and the defendant is more than 5 years older than the victim, but less than 10 years older than the victim.
- HB 178 by Rep. Harwell increases the punishment for statutory rape by an authority figure from a Class C felony to a Class B felony and prohibits probation or judicial diversion for such an offense.
- HB 252 by Rep. Harwell, as amended, categorizes an offender as a child sexual offender if such person committed one or more of the following offenses: aggravated sexual battery, statutory rape by an authority figure, sexual battery by an authority figure, solicitation of a minor to commit a sex offense, solicitation of a minor to perform sex acts, and aggravated statutory rape. The bill requires that upon a second or subsequent conviction of a predatory offense, the offender serve 100% of the imposed sentence.
- HB 713 by Rep. Tindell, as amended, expands the list of offenses prohibiting a defendant from being eligible for probation if convicted to include sexual exploitation of a minor, aggravated sexual exploitation of a minor and especially aggravated sexual exploitation of a minor. Also, the bill expands the list of offenses that are not release eligible for the offender to include sexual exploitation of a minor involving more than 100 images, aggravated sexual exploitation of a minor involving more than 25 images, and especially aggravated sexual exploitation of a minor. The offender must serve 100% of the sentence less credit earned.



Judiciary

Jamie Wyatt

- Credits shall not reduce the sentence by more than 15%.
- HB 35 by Rep. Hackworth, as amended, broadens the offense of intentional killing of an animal to include fire dogs, search and rescue dogs, service animals and police horses. The amendment removes the language in the bill giving the trier of fact an inference that the cost of the animal is more than \$10,000. Removal of this language allows the injured party to present evidence regarding the cost of the animal, which often exceeds \$10,000.
- HB 1907 by Rep. Rinks, as amended, revises the law governing self defense.

The following bills were approved for passage and sent to Calendar and Rules:

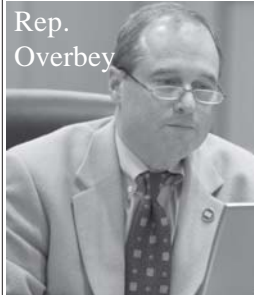
- HB 123 by Rep. Overbey, as amended, makes Rule 60.01 of the Tennessee Rules of Civil Procedure as it relates to clerical mistakes in judgments, orders or other parts of the record applicable to general sessions courts. The mistake can be corrected by the court anytime on its own initiative or on motion of any party. Also, the bill makes Rule 60.02 as it relates to mistakes, inadvertence, excusable neglect, fraud, or other similar reasons set out in the rule, applicable to courts of general sessions. The Rule allows the court, upon a motion, to relieve a party from a final judgment, order or proceeding for those types of errors. The bill stipulates that a motion under Rule 60.02 must be filed within 10 days of judgment and it shall toll the 10 day period for seeking a de novo review in the circuit court until disposition of the motion.
- HB 563 by Rep. Harwell expands the group of persons required to furnish DNA samples for testing to include any misdemeanor offense that requires the offender to register with the sexual offender registry.

- HB 368 by Rep. Shepard authorizes an affiant, in the case of an affidavit of error, to attach a document including one previously recorded with corrections made by affiant when registering an affidavit of scrivener's error.
- HB 1730 by Rep. Yokley eliminates the District Attorneys General Conference's automated victim notification system.
- HB 1879 by Rep. Curtiss, as amended, establishes and clarifies the administration and enforcement of mechanics and materialman's liens on real property and real property improvements.

Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee met to discuss thirty-six bills this week.

Rep.
Overbey



The following bills were approved for passage to the Full Judiciary Committee:

- HB 1613 by Rep. Overbey enacts the Tennessee Trauma Center Funding Law of 2007, which establishes a trauma center fund to provide funding to trauma centers based upon the number of trauma patients served by each trauma center. The department of health is authorized to develop other criteria for eligible applicants. The bill requires the advisory council to submit an annual report to the house health and human resources committee of the house of representatives and the senate general welfare, health and human resources committee on the incidence and status of traumatic injuries in Tennessee, the administration of the office of the coordinator, and recommendations for improving the collection and distribution of funds for trauma centers.



Judiciary

Jamie Wyatt

- HB 107 by Rep. Shepard increases the penalty for the offense of allowing a vicious dog to run at large from a Class C misdemeanor to a Class A misdemeanor if the dog causes property damage to another. It makes the offense a Class E felony if the dog causes bodily injury to another. If the dog causes bodily injury to more than one person or causes serious bodily injury to another it is a Class D felony. It becomes a Class C felony if the dog causes the death of another while running at large.
- HB 40 by Rep. Fraley, as amended, makes it a Class C misdemeanor for any person to allow a dog belonging or under control of such person to go upon the premises of another without permission of the property owner or upon a public right of way. It enhances the punishment of this offense to a Class A misdemeanor if the victim suffers property damage or bodily injury and becomes a Class E felony if the victim suffers death or serious bodily injury.
- HB 1329 by Rep. Briley restores statutory authority for an incorporated municipality to adopt ordinances that mirror certain criminal laws. These ordinances are punished as violations of the municipal ordinance. The bill sets out certain offenses as state offenses and requires that any person arrested for violations of such offenses must be tried in state courts for state violations.
- HB 435 by Rep. DuBois creates a new circuit court judgeship in the 22nd judicial district effective July 1, 2007. The 22nd judicial district consists of the counties of Giles, Lawrence, Maury, and Wayne. The bill specifies that a new judge will be appointed by the governor and serve until September 1, 2008 election, or until the person's successor is elected and qualified.
- HB 1334 by Rep. Briley creates the Sorry Works! Pilot Program Act. This bill will implement the Sorry Works! Pilot Program. Participation in the program during the first year will be open to two hospitals, one not-for-profit and one for-profit, and two nursing homes, one not-for-profit and one for-profit. This program is an attempt at reducing medical malpractice litigation through accountability and communication. It allows a healthcare provider and institution recognize when a medical error has occurred, fully disclose that error to the patient, offer an apology, provide a solution as to prevention, and a reasonable offer of compensation for the mistake. The amount of litigation costs, cases, and settlements have dramatically fallen for facilities and providers that have implemented this approach.
- HB 2154 by Rep. Briley provides that if a court determines that an agreed amount of attorney's fees is reasonable based on the factors of the case, the court's determination is conclusive proof that the amount of fees charged by an attorney in a medical malpractice action is reasonable in any subsequent action before the board of professional responsibility based upon a complaint to the contrary.
- HB 1961 by Rep. Armstrong makes confidential certain information relating to donors of gifts to public institutions of higher education or to certain related foundations such as name, address, telephone number, social security number, driver license information, or any other personal identifiable information about the donor or family members of the donor.
- HB 309 by Rep. Hood adds campus police officers to those authorized to conduct certain seizures of property and forfeiture sales of such property.



Judiciary

Jamie Wyatt

- HB 89 by Rep. Harmon removes Grundy County's exemption from the law requiring the clerk of the court of general sessions or the clerk and master to serve as the juvenile court clerk in counties where general sessions court is also the juvenile court.
- HB 1408 by Rep. Watson requires certain flag displaying protocol. The bill dictates the appropriate order of placement of flags from the top to the bottom as the following: the official flag of the United States, the official state flag, and other flags.
- HB 1409 by Rep. Watson, as amended, broadens the definition of desecration to include knowingly failing to place the official flag of the United States at the top when flown with other flags on property owned or under the control of the state or local governmental entities. A violation of this is a Class A misdemeanor.
- HB 2352 by Rep. Odom increases the allocation of revenue from litigation tax to the Criminal Injuries Compensation Fund from 15.847% to 24.0020% and reduces the allocation to the General Fund from 40.3051% to 32.1502%.
- HB 2346 by Rep. Odom provides that when computing annual salary increases that are tied to salary increases appropriated to state employees, increases are to be based solely on the specific percentage increase granted by the appropriations act to all general state employees. The bill is specifically addressing the salaries of District Attorneys General, certain Assistant District Attorneys General, Public Defenders, Assistant Public Defenders, and the Post-Conviction Defender.



Rep. Watson

Off Notice:

HB 1539 by Rep. Dunn
HB 679 by Rep. Dunn
HB 1338 by Rep. Briley
HB 1565 by Rep. Rowe

Rolled for 1 week:

HB 206 by Rep. Hawk
HB 106 by Rep. Shepard

HB 108 by Rep. Shepard
HB 1222 by Rep. Gilmore
HB 1269 by Rep. Lynn
HB 584 by Rep. DuBois
HB 721 by Rep. DuBois
HB 902 by Rep. McDonald
HB 2096 by Rep. Maddox
HB 1505 by Rep. Fitzhugh
HB 2080 by Rep. Maddox
HB 2086 by Rep. Maddox
HB 2225 by Rep. Maddox
HB 143 by Rep. McDonald
HB 1828 by Rep. Todd

Rolled 2 weeks:

HB 27 by Rep. Briley
HB 1993 by Rep. Overbey
HB 2162 by Rep. Briley

Criminal Practice & Procedure Subcommittee

The Criminal Practice & Procedure Subcommittee met to discuss thirty-one bills on the calendar.

The following bills were approved for passage to the Full Judiciary Committee:

- HB 456 by Rep. Sontany expands the Class C felony offense of aggravated assault to include strangulation, regardless of whether the strangulation resulted in actual injury to the victim.

CONTINUED ON NEXT PAGE.



Judiciary

Jamie Wyatt

- HB 1412 by Rep. Watson removes the restriction that males who assist law enforcement in operations to prevent the illegal sale of beer or alcohol to minors may not have facial hair.
- HB 1414 by Rep. Watson authorizes the Bradley County forensic laboratory to assess and receive the same fees currently charged by the Tennessee Bureau of Investigation and other publicly funded forensic labs for conducting tests to determine the drug and alcohol content of blood.
- HB 1566 by Rep. L. DeBerry authorizes a trial court to enforce as criminal contempt any orders assessing criminal fines that are in default.
- SJR 38 by Sen. Kilby urges President George W. Bush to pardon border control agents Ignacio Ramos and Jose Compean.
- HB 1525 by Rep. Odom makes it a Class A misdemeanor offense for a person to knowingly trespass or unlawfully enter upon an aircraft, air carrier, foreign air carrier or air operations or sterile area of an airport if the entry is in violation of security requirements established by federal regulation. If a person violates this offense with the intent to commit an act in the aircraft, air carrier, foreign air carrier or air operations area or sterile area that is punishable as a felony under federal or state law, and the person is convicted of a felony, it will be classified as a Class E felony.
- HB 60 by Rep. M. Turner prohibits the Governor from commandeering firearms or limiting the sale of ammunition during a state of emergency. Also, the bill prohibits the state or any public official from imposing additional restrictions on firearms and ammunition or ammunition components during a state of emergency or disaster.

Rolled 1 week:

HB 388 by Rep. Crider
HB 582 by Rep. DuBois
HB 901 by Rep. Maggart
HB 1285 by Rep. Crider
HB 1952 by Rep. Lynn
HB 2224 by Rep. Maddox
HB 2226 by Rep. Maddox
HB 2297 by Rep. Maddox
HB 132 by Rep. Bell
HB 410 by Rep. Todd
HB 663 by Rep. Hill

Rep. DeBerry, Rep. Odom



HB 1877 by Rep. Towns
HB 1365 by Rep. Kernell
HB 1834 by Rep. J. DeBerry
HB 1835 by Rep. J. DeBerry
HB 953 by Rep. Maggart

Rolled 2 weeks:

HB 586 by Rep. DuBois
HB 1317 by Rep. West
HB 843 by Rep. Pruitt

Off Notice:

HB 392 by Rep. Crider
HB 601 by Rep. M. Turner
HB 1318 by Rep. West
HB 2159 by Rep. Briley
HB 36 by Rep. Hackworth



State & Local Government

Lawrence Hall, Jr.

This week in **State and Local Government** full committee, eighteen bills were on the calendar for consideration. Nine bills were passed to Calendar and Rules, three were passed to Finance, Ways, and Means, and the others were rolled or taken off notice.

Calendar and Rules:

-HJR 269 by L. DeBerry – Designates April 18, 2007 as “Legislative Intern Day on the Hill” to honor and commend the 2007 Class of Legislative Interns.

-HB 2268 by Odom – This bill grants the Governor 30 additional days to complete the process of appointing a TBI director.

-HB 280 by Mumpower – This bill rearranges placement of offices for Supreme Court judge, court appeals judge, and court of criminal appeals judge on the ballot.

-HB 1194 by Harmon – This bill allows charitable, nonprofit, or political organizations to obtain a special occasion license for an event in a political subdivision that has approved the sale of alcoholic beverages for consumption on the premises.



Rep. Harmon

-HB 419 by S. Jones – This bill revises statutory language to replace “handicapped voter” with “voter with a disability” or “voters with disabilities.”

-HB 1187 by S. Jones – This bill creates an exemption for Davidson County that allows a business to cease operation for up to 30 months and avoid zoning changes for businesses that sell used automobiles.

-HR 63 by Tindell – This bill approves the 2007-2008 501(c)(3) annual events by the House of Representatives.

-HB 1786 by U. Jones – This bill imposes certain requirements upon any governmental entity that chooses to discharge, reduce, delay or otherwise compromise the payment of any tax receivables that have been previously sold.

-HB 1574 by L. Miller – This bill clarifies that the lottery provisions are controlling in regard to assignment of lottery prizes.

Finance, Ways, and Means:

-HB 1968 by Armstrong – This bill includes as “certain unfunded pension obligations,” for purposes of local government public obligations law, pension benefits for past service of employees of a local government whose pension benefits arise from a defined benefit pension plan.

-HB 1809 by Pruitt – This bill authorizes the Nashville Metro council to implement a funding mechanism to be used to finance a new convention center.

-HB 1496 by L. Miller – This bill allows persons with a license violation for unlawfully selling or providing a product or substance to a minor to become a lottery retailer if any sentence has been completed and the license has been restored.

Rolled 1 Week:

-HB 1433 by M. Turner – This bill will provide a funding source for the expansion of the Gaylord Opryland Hotel.

-HB 577 by DuBois – This bill deletes the statutory provision that prevents local governments from purchasing motor vehicles included in federal general administration contracts or federal open purchase contracts.



State & Local Government

Lawrence Hall, Jr.

-HB 1470 by Fitzhugh – This bill makes some technical changes to reporting deadlines and confidentiality requirements with regard to property tax filings.

-HB 1610 by L. Miller – This bill extends to Shelby County the authority that municipalities have to inspect, test, measure, and weigh any article for consumption or use within the county, and charge reasonable fees, and provide standards of weights, tests, and measures.

-HB 1473 by Fitzhugh – This bill requires a vote of approval of two-thirds of the county legislative body for an industrial development corporation to negotiate annual payments in lieu of taxes for less than an amount equal to property taxes.

Off Notice:

-HB 21 by Shepard – This bill will allow persons who will be 18 years of age by the general election to vote in the primary election.

-HB 577 by DuBois – This bill deletes statutory provision that prevents local governments from purchasing motor vehicles included federal general administration contracts or federal open purchase contracts.

The **State Government** Subcommittee considered nineteen bills this week. Ten bills were passed to full committee for consideration next week and two were tabled. All others were rolled to a later date.

Full Committee:

-HJR 52 by M. Turner – This resolution creates a special joint committee to study the effect of illegal immigration on Tennessee.

-HB 1814 by Hood – This bill requires the Tennessee Firemen's Association and the Tennessee Fire

Chiefs' Association to raise at least \$35,000 for the design, construction, and maintenance of a memorial to fallen firefighters on the grounds of the Tennessee Fire Service and Codes Enforcement Academy. This also appropriates an additional \$250,000 for the design, construction, and maintenance of the memorial.

-HB 2269 by M. Turner – Renames the department of personnel as "department of human resources."

-HB 2291 by M. Turner – This bill allows the department of general services to use the best value procurement methodology for purchasing goods and services.

-HB 1355 by Hackworth – This bill specifies that an automatic two-step salary advancement for administrative assistants employed by the state is dependent upon passing certain examinations.

-HB 2078 by Maddox – This bill requires that all police officers and highway patrol officers who are on duty in patrol vehicles be provided with safety devices for any necessary water rescue.

-HB 2079 by Maddox – This bill requires that all police and highway patrol officers be provided training on the proper response to persons with mental illnesses.

-HB 840 by Favors – This bill restricts the movement of a single family residence from a foundation to a lot within a developed area of single family residences.

-HB 2243 by Borchert – This bill increases the paid military leave time from 15 to 20 working days a year.

-HB 2219 by Lynn – This bill enacts the "Orphaned Information Technology Recovery Act."

Rolled, Off Notice, or Failed:

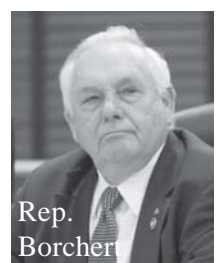
-HB 2160 by Briley – 2 Weeks
-HB 466 by Fitzhugh – 2 Week



Rep. Favors



Rep. Hood



Rep. Borchert



State & Local Government

Lawrence Hall, Jr.

- HB 620 by M. Turner – Last Calendar
- HB 2309 by Bass – 3 Week
- HB 1830 by M. Turner – Off Notice
- HB 1276 by Lynn – 1 Week

Tabled:

- HB 1264 by Lynn
- HB 1243 by Kelsey

This week in **Local Government** Subcommittee there were twenty-six bills on the calendar. The committee passed four bills to full committee to be considered next week and the others were either rolled, taken off notice, or set for a special calendar.

Full Committee:

-HB 1992 by Ferguson – This bill authorizes Roane County to dispose of surplus property by internet auction if approved by two-thirds vote of the county legislative body.

-HB 1345 by Shepard – This bill continues the joint study currently being performed by TSU and MTSU of solid waste in Tennessee.

-HB 624 by M. Turner – This bill prohibits chained dogs, parked cars, and appliances in the front yard of residential units in certain counties.

-HB 1294 by Sargent – This bill requires certain members of the municipal planning commission serving as regional planning commission to reside in the region served by such regional planning commission.

Bills Rolled or Taken Off Notice:

- HB 298 by Ferguson – Off Notice
- HB 1 by Maddox – 2 Weeks
- HB 2105 by Maddox – Off Notice
- HB 2300 by Maddox – 2 Weeks
- HB 47 by M. Turner – Last Calendar
- HB 1074 by M. Turner – 2 Weeks
- HB 1042 by Towns – Off Notice

- HB 1043 by Towns – 1 Week
- HB 763 by Niceley – Special Annexation Calendar
- HB by Sargent – 2 Weeks
- HB 1267 by Lynn – 1 Week
- HB 1286 by Lynn – 1 Week
- HB 1287 by Lynn – 1 Week
- HB 632 by Overbey – 2 Week
- HB 1946 by Lynn – 1 Week
- HB 1180 by S. Jones – 1 Week
- HB 1033 by J. DeBerry – Special Tax Calendar
- HB 1239 by Kelsey – 1 Week
- HB 1678 by Montgomery – 2 Weeks
- HB 433 by DuBois – Off Notice
- HB 1850 by Todd – 1 Week
- HB 1304 by West – Last Calendar

This week in **Elections Subcommittee** ten bills were on the calendar. One bill was sent to full committee to be considered next week.

Full Committee:

-HB 1442 by Dunn – This bill prohibits a member of a county election commission or the state election commission from participating in the management or leadership of a political party organization or a candidate's campaign during such member's term of office.

Bills Rolled or Taken Off Notice:

- HB 626 by M. Turner – 1 Week
- HB 1999 by U. Jones – 1 Week
- HB 408 by Todd – 1 Week
- HB 409 by Todd – 1 Week

Failed:

- HB 1442 by Dunn
- HB 666 by Baird

TACIR Study:

- HB 1279 by Lynn
- HB 1764 by Kernell
- HB 1373 by Kernell



Transportation

Jeremy L. Elrod



Chairman
Pinion

Full Committee

The **House Transportation Committee** convened on April 3, 2007 to consider six bills. **HB481** (Harmon) was deferred two weeks.

HB129 (Bell) was referred to the **Calendar and Rules Committee**. As amended, it requires demolishers that crush vehicles to make available to law enforcement certain records about the vehicles. These documents include the name and address of the person from which the vehicle is acquired, a record of his driver license, the date when the vehicle is required and the VIN number of the vehicle. These records must be kept by the crusher for at least three years.

The following bills were referred to the **Finance, Ways and Means Committee**:

HJR208 (Shepard) – “Daniel F. Hall Memorial Bridge” highway signs on a bridge over Beaver Dam Creek on S.R. 96 in Dickson County. An amendment was adopted for the highway signs to be paid for with highway funds.

HB627 (Overbey) – “Clifford H. ‘Bo’ Henry Highway” highway signs on a segment of U.S. Highway 411 in Blount County. An amendment was adopted to clarify the segment of highway to be named and directed that the signs be placed out the city limits of Maryville. A second amendment was adopted for the highway signs to be paid for with highway funds.

HB180 (B. Cooper) – As amended, authorizes persons in Shelby County to have a driver license reinstated once the person has entered into a payment plan, and it shall not be suspended for so long as the licensee complies with the provisions of the plan.

HB1407 (B. Cooper) – Places a \$400 cap on the restoration or reinstatement fees imposed for certain suspensions related to traffic citations, effective until July 1, 2008.

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met April 3, 2007, to consider ten bills. Action on **HB1101** (Buck) was deferred for two weeks. **HB2042** (Shaw) and **HB1974** (Maggart) were rolled one week. **HB726** (Hood) and **HB728** (Hood) were taken off notice.

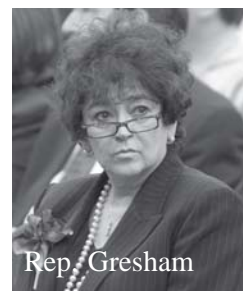
The following bills were referred to the full **Transportation Committee**:

HB1154 (Buck) – Requires an engineering and traffic investigation prior to establishing a special speed zone, requires signs and lights that comply with national standards designating such zones, and increases period when school zones are in affect.

HB1381 (S. Jones) – Increases fee charged by county clerk for collection of sales taxes on boats and other such vessels from \$2.00 to \$6.00 and on every other transaction where sales tax is collected from \$1.00 to \$5.00.

HB1413 (Watson) – As amended, requires motor vehicle accident reports to include the name of the insurance company, if known, of persons involved in traffic accidents. The bill was also amended to clarify that this bill would only apply to new accident report forms and that it does not require the disposal of existing forms.

HB491 (Gresham) – As amended, permits the department of safety to negotiate an agreement with federal authorities to train certain highway patrol officers to perform certain immigration law enforcement functions. The bill authorizes highway patrol



Rep. Gresham



Transportation

Jeremy L. Elrod

officers certified as trained under such an agreement to enforce federal immigration and customs laws in Tennessee. As amended the bill also requires there to be at least one employee of the Tennessee highway patrol in each district office who is trained pursuant to the memorandum of understanding.

HB1729 (P. Johnson) – Exempts persons with a permanent disability from furnishing a physician’s statement upon renewal of a handicapped placard or tag.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on April 3, 2007 to consider four bills. **HB1247** (Odom) was deferred one week. **HB1416** (Watson) was taken off notice.

The following bills were passed to the full **Transportation Committee**:

HB553 (Bass) – Expresses intent of general assembly that county seats should be connected by four-lane highways to the nearest interstate by the best route available rather than by the shortest route available.

HB750 (Harmon) – Defines “digital billboard” as “an outdoor advertising sign displaying multiple, changeable images controlled by electronic communications” for purposes of “Billboard Regulation and Control Act of 1972.”

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